

UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit: 1761

In re

Patent Application of

Robert Lawrence Prosise *et al.*

Serial No.: 09/827,863

Filed: April 6, 2001

Confirmation No. 6081

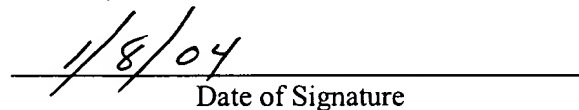
Group Art Unit: 1761

Examiner: Pratt, Helen F.

“TASTY, READY-TO-EAT, NUTRITIONALLY
BALANCED FOOD COMPOSITIONS”

I, Mary A. Kocaja, hereby certify that this correspondence is being transmitted to Commissioner for Patents via facsimile on the date of my signature.


Signature


Date of Signature

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE
UNDER 37 C.F.R. 1.104(e)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following comments are being submitted in response to the Examiner's Reasons for Allowance set forth in the Notice of Allowance mailed on October 9, 2003.

Applicant wishes to comment on the Examiner's Statement of Reasons for Allowance by pointing out that the reasons set forth by the Examiner appear to generalize some of the features of the claims. Therefore, the reasons set forth by the Examiner are not the only reasons that claims 1-74 are allowable. Independent claim 1 may include additional patentable features or combinations of features not mentioned by the Examiner. Additionally, each of dependent claims 2-23 may include additional patentable features or combinations of features not 74 mentioned by the Examiner.

With respect to claim 1, the prior art does not teach or suggest a ready-to-eat

food having, at a 60% confidence level, a lower taste value greater than -9.00; a water activity of less than 0.90; and, comprising, on a 100 kcal reference serving basis:

- a) at least 5 grams of an amino acid source;
- b) less than 3 grams of a digestible fat; and
- c) a carbohydrate that provides the balance of the total caloric value of said food and at least about 2.5 grams of dietary fiber, the fiber having a particle size of less than 150 microns and a water absorption of less than 7.0 grams per gram of fiber.

Dependent claims 2-74 ultimately depend from claim 1. Accordingly, claims 2-74 are allowable based upon claim 1. Claims 2-74 may also include additional patentable features and/or combinations of features which are not discussed herein.

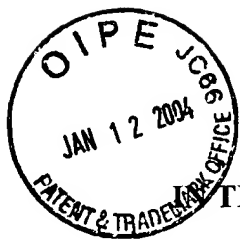
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory J. Hartwig', with a stylized flourish extending from the end.

Gregory J. Hartwig
Reg. No. 46,761

File No. 066544-9005-00

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(414) 271-6560



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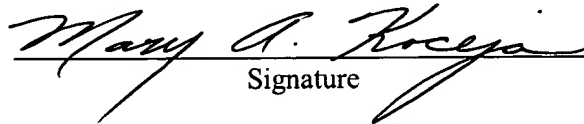
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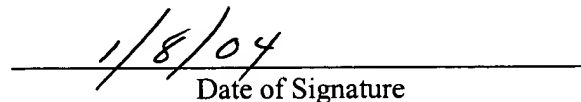
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Examiner: Pratt, Helen F.

“TASTY, READY-TO-EAT, NUTRITIONALLY
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I, Mary A. Kocaja, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.


Signature


Date of Signature

SUBMISSION OF TEST EXAMPLES AND DATA

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This submission follows and supplements the Amendment filed on September 30, 2003. As indicated in the previous Amendment, the undersigned and the Examiner discussed the tests conducted by the original owner of the application, namely, Procter & Gamble (P&G). The undersigned indicated that P&G conducted a variety of tests while developing and experimenting with the subject matter of the present application. Because of the volume of the test data produced from these tests, it was decided that the undersigned would submit a representative sample of each type of test and data as the undersigned understood it.

Representative examples were filed with respect to related Application No. 09/827,802 filed April 6, 2001. The examples were discussed with the Examiner on September 29, 2003 with respect to this application as well as co-pending related Application Nos. 09/828,015, 09/828,018, 09/828,016 and 09/827,436, each of which was filed on April 6, 2001.

In the previous Amendment, Applicant indicated that it would subsequently provide a file copy of the examples for each application.

Accordingly, placement in the file of the representative examples being filed herewith is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. J. Hartwig', written over a horizontal line.

Gregory J. Hartwig
Reg. No. 46,761

File No. 066544-9005-00

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(414) 271-6560

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